



LEIGH INGALLS SAUFLEY
CHIEF JUSTICE

STATE OF MAINE
SUPREME JUDICIAL COURT

March 20, 2012

The Honorable David R. Hastings
The Honorable Joan M. Nass
Joint Standing Committee on Judiciary
c/o Legislative Information
100 State House Station
Augusta, Maine 04333

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Dear Senator Hastings, Representative Nass, and Honorable Members of the Joint Standing Committee on Judiciary:

Thank you for the opportunity to speak with you regarding the Government Oversight Committee's Request to the Judiciary Committee relating to Guardian ad Litem oversight and complaint processes. Both Chief Judge LaVerdiere and I appreciated how quickly we could meet with you to address these issues of importance to Maine's families and children.

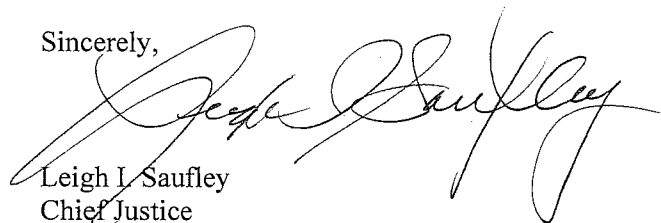
As we discussed, the primary concerns regarding GALs in Maine's State courts encompassed two very separate issues: (1) the need for a more thorough complaint process independent of the Judicial Branch, and (2) the potential for the creation of a program for support and supervision of GALs, particularly for their work in roles that go beyond investigation and testimony.

With regard to the second issue, from the Court's perspective, GALs serve in the role of investigator or specialized witness in an adjudicatory proceeding. As the neutral fact-finders, judges cannot counsel, mentor, or supervise the work of one who appears before the court as a witness. It is certainly the prerogative of the Legislature to create a program to supervise GALs, but such a program would fall within the Executive Branch of government, to ensure the continued neutrality of the court.

Regarding the Complaint process, there is a need for a professional oversight body, similar to the Board of Overseers of the Bar, or the Board of Social Work Licensure, to receive and investigate complaints against GALs. We have explored several options in recent years, none of which was achievable without substantial additional funding. As I indicated, we would be pleased to work with stakeholders, once again, to continue to explore the feasibility of a process or a professional board to receive and investigate complaints against GALs. We will report back to you with a proposal for a complaint process by October 15, 2012. This will provide time to address this, if legislation is required, in the next session of the Legislature.

Thank you, again, for your attention to this matter. We look forward to working with you to improve the quality of GAL services by developing a complaint process that will be responsive and fair to Maine families, children, and GALs.

Sincerely,



Leigh I. Saufley
Chief Justice

LIS:ajm

cc: Members of Judiciary Committee
The Honorable Terry Hayes